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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
CONSUMER SERVICES DIVISION**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Check Cashers and Sellers of Washington by:

NO. C-06-052-06-CO01

APPLE BIN, LLC, d/b/a UNCLE BUCK\$ OF
SELAH, and HEATHER SCHILPEROORT-
YOUNG, Owner, Managing Member, and
Officer, and FARON YOUNG, Owner,
Managing Member, and Officer, and GARY
YOUNG, Owner, Member, and Officer, and
KAREN YOUNG, Owner, Member, and Officer,

CONSENT ORDER

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee
Chuck Cross, Division Director, Division of Consumer Services, and Apple Bin, LLC, d/b/a Uncle Buck\$ of
Selah, Heather Schilperoort-Young, Faron Young, Gary Young, and Karen Young (hereinafter Respondents), and
finding that the issues raised in the captioned matter may be economically and efficiently settled, agree to the entry
of this Consent Order. This Consent Order is entered pursuant to chapter 31.45 of Revised Code of Washington
(RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondents
have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-06-052-06-SC01
(Statement of Charges) entered March 22, 2006 (copy attached hereto). Pursuant to chapter 31.45 RCW, the
Check Cashers and Sellers Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondents

CONSENT ORDER
APPLE BIN, LLC, d/b/a UNCLE BUCK\$ OF SELAH,
HEATHER SCHILPEROORT-YOUNG, FARON
YOUNG, GARY YOUNG, and KAREN YOUNG,
NO. C-06-052-06-CO01

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200

1 hereby agree to the Department's entry of this Consent Order and further agree that the issues raised in the above
2 captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend
3 this Consent Order to fully resolve all allegations raised in the Statement of Charges entered March 22, 2006.

4 Based upon the foregoing:

5 A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the
6 activities discussed herein.

7 B. **Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a hearing
8 before an administrative law judge, and that Respondents have waived the right to a hearing and any and all
9 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.

10 C. **Consent to Be Bound By Order.** It is AGREED that the parties shall be bound by the terms and
11 conditions of this Consent Order as set forth herein.

12 D. **Fine (Partially Stayed).** It is AGREED that Respondents are subject to a fine by the Department in
13 the amount of \$14,500.00 for the following violations:

- 14 • RCW 31.45.030(1), RCW 31.45.070, and RCW 31.45.073, calculated at \$100 per day for 85 days
- 15 • RCW 31.45.088(3), calculated at \$100 per day for 30 days
- 16 • RCW 31.45.082, calculated at \$100 per day for 30 days

17 It is further AGREED that Respondents shall pay to the Department \$4,000 of the total fine in the form of
18 a cashier's check that shall be made payable to the "Washington State Treasurer" and that shall be paid to the
19 Department immediately upon entry of this Consent Order, and that the balance of the fine (\$10,500) shall be
20 stayed for a period of two (2) years from the date of entry of this Consent Order, subject to the Department's
21 authority to lift the stay and impose the balance of the fine (\$10,500) discussed in paragraph F of this Consent
22 Order.

23 It is further AGREED that if, upon expiration of said two (2) year period, the stay has not been previously
24 lifted, and the balance of the fine (\$10,500) has not been previously imposed, and if a notification to lift the stay or

1 proceeding to lift the stay is not then pending by the Director to impose the balance of the fine (\$10,500), then, in
2 such events, the Department shall consider this paragraph of this Consent Order fully performed and the stayed
3 portion of the fine (\$10,500) will not be collected from Respondents.

4 It is further AGREED that, if on the expiration of said two (2) year period a notification to lift the stay or
5 proceeding to lift the stay is pending by the Director to impose the balance of the fine (\$10,500), then those
6 proceedings shall continue according to the terms of this Consent Order, as discussed in paragraph F below.

7 **E. Prohibition from Participation in the Industry (Stayed).** It is AGREED that Respondents are
8 subject to a prohibition from participating in the conduct of the affairs of any check casher or seller subject to
9 licensure by the Director, in any manner, for a period of five (5) years from the date of entry of this Consent
10 Order.

11 It is further AGREED that this prohibition shall be stayed for the duration of this Consent Order subject to
12 the Department's authority to lift the stay and impose the five (5) year prohibition pursuant to paragraph F of this
13 Consent Order.

14 It is further AGREED that if, after two (2) years from the date of entry of this Consent Order, the stay has
15 not been previously lifted, and the five (5) year prohibition has not been previously imposed, and if a notification
16 to lift the stay or proceeding to lift the stay is not then pending by the Director to impose the five (5) year
17 prohibition, and if Respondents have provided the Department with a written statement signed under penalty of
18 perjury of the laws of the State of Washington that they have complied with the terms and conditions of this
19 Consent Order, then, in such events, the Department shall consider this paragraph of this Consent Order fully
20 performed and the stayed five (5) year prohibition will not be imposed on the Respondents.

21 It is further AGREED that if, after two (2) years from the date of entry of this Consent Order, notification
22 to lift the stay or proceeding to lift the stay is pending by the Director to impose the five (5) year prohibition, then
23 those proceedings shall continue according to the terms of this Consent Order, as discussed in paragraph F below.

1 **F. Lifting of Stay and Imposing Prohibition.** It is AGREED that:

- 2 1. If the Department determines that Respondents are in violation of RCW 31.45.030(1),
3 RCW 31.45.030(5), RCW 31.45.060, RCW 31.45.070, RCW 31.45.073, RCW 31.45.080,
4 RCW 31.45.082, or RCW 31.45.088(3), or any of the terms and conditions of this Consent
5 Order and the Department accordingly seeks to lift the stay and impose the balance of the
6 fine (\$10,500) and impose the five (5) year prohibition, the Department first will notify
7 Respondents in writing of its determination.
- 8 2. Respondents will be afforded ten (10) business days from the date of receipt of the
9 Department's notification to request in writing an expedited administrative hearing to be
10 held before an Administrative Law Judge (ALJ) from the Office of Administrative
11 Hearings (OAH).
- 12 3. Respondents' request for hearing must be sent to the Department and received by the
13 Department within ten (10) business days of the date of the receipt of the Department's
14 notice.
- 15 4. Respondents, in addition to a request for hearing, may provide a written response to
16 include any information pertaining to the alleged noncompliance.
- 17 5. The administrative hearing shall be expedited and follow the timing and processes
18 described in this Consent Order.
- 19 6. If Respondents do not request the expedited hearing within the stated time, the Department
20 will immediately impose the balance of the fine (\$10,500), impose the five (5) year
21 prohibition, and pursue whatever action it deems necessary to collect the balance of the
22 fine and impose the prohibition. The fine is due immediately upon demand by the
23 Department; Respondents must make payment by cashier's check payable to the
24 "Washington State Treasurer."
- 25 7. If requested, the hearing will be held within fifteen (15) business days (or as soon as the
 schedule of the ALJ permits) from the due date for Respondents' request for hearing or
 from the date of receipt of Respondents' timely request for hearing, whichever is sooner.
 The parties will accommodate the prompt scheduling of the hearing.
8. The scope and issues of the hearing are limited solely to whether or not Respondents are in
 violation of RCW 31.45.030(1), RCW 31.45.030(5), RCW 31.45.060, RCW 31.45.070,
 RCW 31.45.073, RCW 31.45.080, RCW 31.45.082, or RCW 31.45.088(3). or any of the
 terms and conditions of this Consent Order.
9. At the conclusion of the hearing, the ALJ will issue an initial decision. Either party may
 file a Petition for Review with the Director of the Department.
10. The Department's notification will include:

- a) A description of the alleged noncompliance

- 1 b) A statement that because of the noncompliance, the Department seeks to lift
2 the stay and impose the balance of the fine (\$10,500) and impose the five (5)
3 c) The opportunity for Respondents to contest the Department's determination of
4 noncompliance in an administrative hearing before an ALJ of OAH
5 d) A copy of this Consent Order. The notification and hearing process provided
6 in this Consent Order applies only to this Consent Order. It is solely provided
 in the event Respondents choose to contest the Department's determination of
 noncompliance.

7 **G. Compliance Examinations.** It is AGREED that Apple Bin, LLC, d/b/a Uncle Buck\$ of Selah is
8 subject to compliance examinations for two (2) years from the date of entry of this Consent Order to be
9 conducted by the Department at the Department's discretion (not to exceed one compliance examination per
10 year), at Respondents' expense. Respondents further AGREE to promptly respond and address any and all
11 issues, if any, identified in the compliance examinations to the satisfaction of the Department.

12 **H. Respondents' Cooperation Upon Notification of Violations.** It is AGREED that once Respondents
13 became aware of the Statement of Charges and the circumstances described therein, Respondents immediately
14 responded and cooperated with the Department to resolve the issues raised by the Statement of Charges.

15 **I. Future Applications.** It is AGREED that the conduct giving rise to the issuance of the above-
16 referenced Statement of Charges will not be considered by the Department in the assessment of any future
17 applications for check casher licenses or small loan endorsements in the state of Washington in the event
18 Respondents wish to pursue such applications.

19 **J. Restitution.** It is AGREED that Respondents shall charge interest or fees on small loans not to
20 exceed in the aggregate seven and one half percent (7.5%) of the first five hundred dollars (\$500) of principal,
21 and not to exceed in the aggregate five percent (5%) of that portion of the principal in excess of five hundred
22 dollars (\$500) for a period of three (3) months, beginning immediately upon entry of this Consent Order.

23 It is further AGREED that Respondents shall charge no more than a one percent (1%) fee for check
24 cashing transactions for a period of three (3) months, beginning immediately upon entry of this Consent Order.

1 **K. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an investigation fee
2 in the amount of \$1,552.73, calculated at \$69.01 per hour for twenty two and one-half (22.5) staff hours devoted
3 to the examination and investigation in the form of a cashier's check made payable to the "Washington State
4 Treasurer" upon entry of this Consent Order.

5 **L. Notification of Current Address and Telephone Number(s).** It is AGREED that during the entire
6 term of this Consent Order Respondents must notify the Department in writing of any changes in their current
7 main address and telephone number(s) within five (5) days of such change.

8 **M. Authority of Department.** It is AGREED that nothing in this Consent Order shall be construed as
9 preventing the Department from fully exercising its authority and enforcing any provision of chapter 31.45 RCW
10 and chapter 208-630 WAC.

11 **N. Authority to Execute Order.** It is AGREED that the undersigned Respondents have represented
12 and warranted that they have the full power and right to execute this Consent Order on behalf of the parties
13 represented.

14 **O. Non-Compliance with Order.** It is AGREED that Respondents understand that failure to abide
15 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the
16 event of such legal action, Respondents may be responsible to reimburse the Director for the cost incurred in
17 pursuing such action, including but not limited to, attorney fees.

18 **P. Complete Cooperation with Department.** During the entire term of this order Respondents shall
19 cooperate fully, truthfully and completely with the Department. A failure to cooperate fully, truthfully and
20 completely is a breach of this order.


21 **Q. Voluntarily Entered.** It is AGREED that the undersigned Respondents have voluntarily entered
22 into this Consent Order, which is effective when signed by the Director's designee.

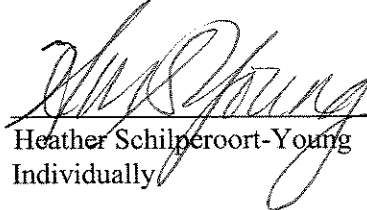
23 **R. Completely Read, Understood, and Agreed.** It is AGREED that Respondents have read this
24 Consent Order in its entirety and fully understand and agree to all of the same.

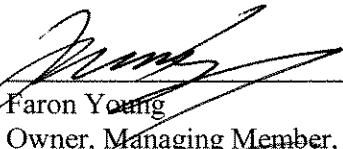
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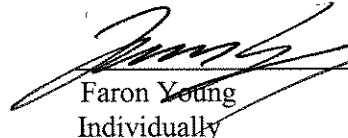
Apple Bin, LLC, d/b/a Uncle Buck\$ of Selah

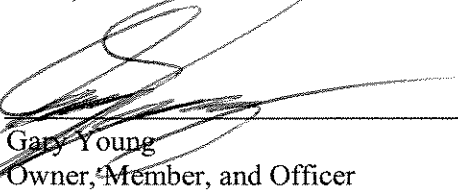
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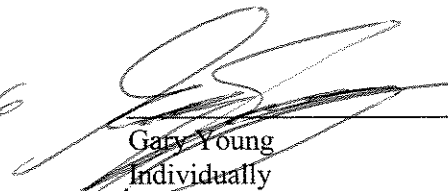
 3/28/06
Heather Schilperoort-Young Date
Owner, Managing Member, and Officer

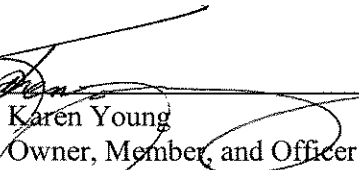
 3/28/06
Heather Schilperoort-Young Date
Individually

 3-28-06
Faron Young Date
Owner, Managing Member, and Officer

 3-28-06
Faron Young Date
Individually

 3/28/06
Gary Young Date
Owner, Member, and Officer

 3/28/06
Gary Young Date
Individually

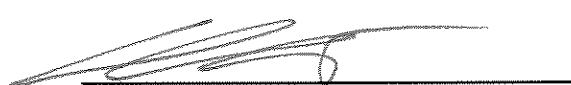
 3/28/06
Karen Young Date
Owner, Member, and Officer

 3/28/06
Karen Young Date
Individually

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 28th DAY OF March, 2006.




CHUCK CROSS
Director
Division of Consumer Services
Department of Financial Institutions

CONSENT ORDER
APPLE BIN, LLC, d/b/a UNCLE BUCK\$ OF SELAH,
HEATHER SCHILPEROORT-YOUNG, FARON
YOUNG, GARY YOUNG, and KAREN YOUNG,
NO. C-06-052-06-CO01